

1 AN ACT concerning unemployment insurance.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Unemployment Insurance Act is amended by  
5 changing Section 604 as follows:

6 (820 ILCS 405/604) (from Ch. 48, par. 434)

7 Sec. 604. Labor dispute. An individual shall be  
8 ineligible for benefits for any week with respect to which it  
9 is found that his total or partial unemployment is due to a  
10 stoppage of work which exists because of a labor dispute at  
11 the factory, establishment, or other premises at which he is  
12 or was last employed. The term "labor dispute" does not  
13 include an individual's refusal to work because of his  
14 employer's failure to pay accrued earned wages within 10  
15 working days from the date due, or to pay any other  
16 uncontested accrued obligation arising out of his employment  
17 within 10 working days from the date due.

18 For the purpose of disqualification under this Section  
19 the term "labor dispute" does not include a lockout by an  
20 employer for any week during which (1) the employer refuses  
21 to meet under reasonable conditions with the recognized or  
22 certified collective bargaining representative of the locked  
23 out employees to discuss the issues giving rise to the  
24 lockout or (2) there is a final adjudication under the  
25 National Labor Relations Act that during the period of the  
26 lockout the employer has refused to bargain in good faith  
27 with the recognized or certified collective bargaining  
28 representative of the locked-out employees over issues giving  
29 rise to the lockout, or (3) the lockout violates the  
30 provisions of an existing collective bargaining agreement. An  
31 individual's total or partial unemployment resulting from any

1 reduction in operations or reduction of force or layoff of  
2 employees by an employer made in the course of or in  
3 anticipation of collective bargaining negotiations between a  
4 labor organization and such employer, is not due to a  
5 stoppage of work which exists because of a labor dispute  
6 until the date of actual commencement of a strike or lockout.

7 This Section shall not apply if it is shown that (A) the  
8 individual is not participating in or financing or directly  
9 interested in the labor dispute which caused the stoppage of  
10 work and (B) he does not belong to a grade or class of  
11 workers of which immediately before the commencement of the  
12 stoppage there were members employed at the premises at which  
13 the stoppage occurs, any of whom are participating in or  
14 financing or directly interested in the dispute; provided,  
15 that a lockout by the employer or an individual's failure to  
16 cross a picket line at such factory, establishment, or other  
17 premises shall not, in itself (or in combination with the  
18 individual's right to terms or conditions of employment  
19 offered or ultimately provided to members of a collective  
20 bargaining unit other than his or hers as a result of the  
21 labor dispute), be deemed to be participation by him or a  
22 direct interest on his part in the labor dispute. If in any  
23 case, separate branches of work which are commonly conducted  
24 as separate businesses in separate premises are conducted in  
25 separate departments of the same premises, each such  
26 department shall, for the purpose of this Section, be deemed  
27 to be a separate factory, establishment, or other premises.

28 Whenever any claim involves the provisions of this  
29 Section, the claims adjudicator referred to in Section 702  
30 shall make a separate determination as to the eligibility or  
31 ineligibility of the claimant with respect to the provisions  
32 of this Section. This separate determination may be appealed  
33 to the Director in the manner prescribed by Section 800.

34 (Source: P.A. 85-956.)